

From: Carrigan, John (DEP)
Sent: Wednesday, January 03, 2007 9:10 PM
To: Richard A. Nylen Jr. (rnylen@ldnllp.com)
Cc: Matt Ireland; WThibeault; Crowlandfill@verizon.net; OBrien, Heidi (DEP); Dingle, Mike (DEP); Chalpin, Richard (DEP)
Subject: Actions Items - Order and Noncompliance with Paragraph 1(h) Pre-treatment System

Importance: High
Attachments: NV_PlaceMatPhaseIA07_01_03.doc
Chip:

The attached document summarizes the activities that New Ventures must perform to resume the placement of C&D Material at the site. Please note that the document also includes in Section D three additional compliance issues that New Ventures must address. The attached document has also been modified to reflect that, as discussed below, the pre-treatment system is not operating in accordance with the performance standard of Appendix A Section D. New Ventures must immediately take all steps necessary to comply with the provisions of Paragraph 1(h) of the Order.

MassDEP's contractor, Shaw Environmental, is routinely collecting drager tubes samples of the H2S concentrations at the inlet, the mid-point (between the treatment vessels), and outlet (inlet to the flare) of the pre-treatment system. On Tuesday January 2, 2006 are contractor measured the following concentrations of H2S at these points at approximately 5 PM; the concentrations measured by New Ventures yesterday evening are also included. Sandy McMurtry provided me with the New Ventures data at my request this evening (attached email).

	MassDEP/Shaw	New Ventures	(ppm)	[flow rate of approximately 241 cfm]		
	1/2/06 approx. 5 PM	1/2/06 5 PM	9 PM	1/3/06 1 AM	5 AM	5 PM
System Inlet:	24,000 ppm	20,000	19,000	20,000	20,000	18,000
System Mid-point:	10,000 ppm	NS	NS	NS	NS	NS
Outlet (inlet to flare):	4,000 ppm	3,200	3,000	3,200	2,800	3,000

Appendix A Section D. 2. provides that "The pre-treatment system shall be considered to be in compliance with the performance criteria of D.1.c. and D.1.d. above provided that the H2S concentration of the landfill gas into the flare [Outlet (inlet to flare) in the above table] does not exceed the minimum destruction efficiency of 95% reduction of H2S or the 1.01 lbs/hr H2S criteria for any two hours during a twenty-four hour period. In determining compliance with these requirements, any single sample shall be considered to be represent 1 hour, unless a minimum of 4 samples are collected over an hourly period and averaged on a time weighted-basis."

Based on the samples of the inlet and outlet pre-treatment samples collected by MassDEP's contractor and New Ventures since approximately 5 PM yesterday, January 2, 2007 the pre-treatment is not in compliance with the performance criteria of Appendix A Section D. 1. Therefore, New Ventures is in noncompliance with the requirements of the Order including, without limitation Paragraph 1(h). New Ventures shall immediately take all actions necessary to comply with the provisions of Paragraph 1(h). This email shall serve as written notice to New Ventures pursuant Paragraph 9 of the Order with regards to noncompliance with the provisions of Paragraph 1(h). MassDEP reserves its rights to exercise the full extent of its legal authority in order to obtain full compliance with the provisions of the Order and all statutes and regulations implemented by the MassDEP including, without limitation 310 CMR 19.000 the Solid Waste Management Regulations and 310 CMR 7.00 the Air Pollution Control Regulations. The attached document is write protected.

Sincerely,
JohnC

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